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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,585	10/22/2001	Theodore D. Wugofski	P1328US01	4021

7590 03/13/2007

Gateway, Inc.
Attention: Mark Dickey
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EXAMINER	
VU, KIEU D	
ART UNIT	**PAPER NUMBER**
2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/016,585	WUGOFSKI, THEODORE D.	
	Examiner	Art Unit	
	Kieu D. Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,7,12-19,21-27 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *12-19* is/are allowed.

6)☒ Claim(s) *1, 7, 12-19, 21-27, and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 01/05/07

2. Claims 1, 7, 12-19, 21-27, and 29 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1,7, 21-22, 24-25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezekiel et al ("Ezekiel", USP 5625783) and Richardson et al ("Richardson", USP 5809247).

Regarding claim 1, Ezekiel teaches a software module stored on a machine readable medium for programming a graphical user interface (software of the system, col 5, lines 23-36), responsive to functionality information supplied or retrieved from an application or applet (new software components are added to an existing program; col 3, lines 16-18), the software capable of modifying the graphical user interface when a new application is launched (rebuilt menu; col 8, lines 43-46; Fig. 5), wherein modifying the graphical user interface further comprises adding new functionality of the new application or applet to the graphical user interface (construct a complete menu; col 8, lines 48-58) if the new functionality does not already exist in the graphical user interface (col 8, lines 37-48). Ezekiel does not teach that the new application is launched as a result of navigating a web page. However, such feature is known in the art as taught by

Richardson. Richardson teaches a system for guided touring of websites (col 2, lines 9) and further teaches launching a new application as a result of navigating to a web page (application to render media) (col 2, lines 9-27; col 4, lines 27-57). It would have been obvious to one of ordinary skill in the art, having the teaching of Ezekiel and Richardson before him at the time the invention was made, to modify the interface reconstruction method taught by Ezekiel to include launching the new application as a result of navigating a web page taught by Richardson with the motivation being to enable the users of Ezekiel's system to locate and view information on the Internet (Richardson, col 1, lines 5-9).

Regarding claim 7, Ezekiel teaches a shared graphical user interface (user interface menu; col 3, lines 11-13) capable of control of a plurality of computer applications or applets, the shared graphical user interface being defined and redefined as different applications or applets are launched (dynamically reconstruct user interface menu when a new window is selected, opened, or become active; col 3, lines 22-36), by receiving information from the applets or from the software designed to retrieve the functionality of the applications or applets (commands appropriate for current active window, col 4, lines 20-26), wherein redefining the shared the graphical user interface further comprises adding new functionality of the new applications or applets to the shared graphical user interface (recreates the menu bar, col 4, lines 20-26) if the new functionality does not already exist in the shared graphical user interface (col 8, lines 37-48; Fig. 5 and Fig. 7). Ezekiel does not teach that the new application is launched as a result of navigating a web page. However, such feature is known in the art as taught by Richardson. Richardson teaches a system for guided touring of websites (col 2, lines

9) and further teaches launching a new application as a result of navigating to a web page (application to render media) (col 2, lines 9-27; col 4, lines 27-57). It would have been obvious to one of ordinary skill in the art, having the teaching of Ezekiel and Richardson before him at the time the invention was made, to modify the interface reconstruction method taught by Ezekiel to include launching the new application as a result of navigating a web page taught by Richardson with the motivation being to enable the users of Ezekiel's system to locate and view information on the Internet (Richardson, col 1, lines 5-9).

Regarding claims 21 and 29, Ezekiel teaches the new application is launched as a result of opening the new application (col. 3, lines 11-20).

Regarding claims 22 and 25, Ezekiel teaches registering the new application for the functionality when the functionality already exists in the graphical user interface (col 8, lines 2-11).

Regarding claim 24, Ezekiel teaches that the functionality of the application (menu of the previously selected window) and the new functionality of the new application (add-on menu) are controllable by the graphical user interface (col 8, lines 38-48).

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ezekiel, Richardson, and Fujii (USP 6204842).

Regarding claim 27, Ezekiel in view of Richardson does not teach the graphical user interface allows access to an electric appliance. However, such feature is known in the art as taught by Fujii. Fujii teaches a television system that accesses to a Set-Top Box (see abstract and Fig. 1). It would have been obvious to one of ordinary skill in the

art, having the teaching of Ezekiel and Fujii before him at the time the invention was made, to modify the interface reconstruction method taught by Ezekiel to include accessing to a Set-Top Box taught by Fujii with the motivation being to enable user to access and use information obtained from the Internet (Fujii, col 1, lines 32-53).

6. Claims 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezekiel, Richardson, and Goldman et al (Goldman, USP 5644738).

Regarding claim 26, Ezekiel in view of Richardson does not teach comparing each functionality of the applications with the functionality of the shared graphical user interface. However, such feature is known in the art as taught by Goldman. Goldman teaches a method using context identifiers for menu customization in window (col 1, lines 7-11), the method comprises comparing context list with the context expression of the menu items to determine which menu items should be placed in a window (col 7, lines 4-7). It would have been obvious to one of ordinary skill in the art, having the teaching of Ezekiel and Goldman before him at the time the invention was made, to modify the interface reconstruction method taught by Ezekiel to include comparing context list with the context expression of the menu items taught by Goldman with the motivation being to determine which menu items should be placed in menus (Goldman, col 7, lines 4-7).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ezekiel, Richardson, and Matheny et al ("Matheny", USP 5517606).

Regarding claim 23, Ezekiel in view of does not teach causing the application to be notified when a command is initiated to execute the functionality. However, such feature is known in the art as taught by Matheny. Matheny teaches a method supporting

change notification in an object based operating system (abstract), the method comprises sending notification to the application when a command is invoked (col 1, lines 65-67). It would have been obvious to one of ordinary skill in the art, having the teaching of Ezekiel and Matheny before him at the time the invention was made, to modify the interface reconstruction method taught by Ezekiel to include sending notification to the application when a command is invoked taught by Matheny with the motivation being to enable all the applications to obtain system changes (command initialization) (Matheny, col 1, lines 28-35).

Allowable Subject Matter

8. Claims 12-19 are allowed (see Action mailed 07/26/04 for reasons for allowance).

9. Applicant's arguments filed on 01/05/07 have been considered but they are not persuasive.

Applicant argues that the Richardson patent does not disclose a "new application or applet is launched as a result of navigating to a web page". The Examiner respectfully disagrees. Richardson teaches that in response to user's selection of a guided tour, tour operator provides user with a web tour viewer then connects the web tour viewer to the tour stops which are websites (col. 5, lines 3-4, lines 17-27) (i.e. navigates to a web page). Richard further teaches rendering corresponding media complements at each of the tour stops (col. 4, lines 27-57). As such, there must be an application launched to render the corresponding media of a tour stop (website) when the tour stop (website) is displayed. Therefore, the Richardson patent discloses a "new application or applet is launched as a result of navigating to a web page".

Applicant argues there is no motivation to combine the Ezekiel patent and the Richard patent. The Examiner respectfully disagrees. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, since both patents are in the same field of providing methodologies and tools for a user to locate and view information (Richardson, col 1, lines 5-9) (Ezekiel's user interface menu provides tools to access and view information, col. 5, lines 7-22), it would have been obvious to one of ordinary skill in the art, having the teaching of Ezekiel and Richardson before him at the time the invention was made, to modify the interface reconstruction method taught by Ezekiel to include launching the new application as a result of navigating a web page taught by Richardson with the motivation being to enable the users of Ezekiel's system to locate and view information on the Internet.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu
Primary Examiner